

STATE PERSONNEL BOARD CALENDAR



OCTOBER 5, 2004

SACRAMENTO, CALIFORNIA

State of California

Memorandum

DATE: September 24, 2004

TO: ALL INTERESTED PARTIES

FROM: **STATE PERSONNEL BOARD** -- Appeals Division

SUBJECT: Notice and Agenda for the October 5, 2004, meeting of the State Personnel Board.

PLEASE TAKE NOTICE that on October 5, 2004, at the offices of the State Personnel Board, located at 801 Capitol Mall, Room 150, Sacramento, California, the State Personnel Board will hold its regularly scheduled meeting.

The attached Agenda provides a brief description of each item to be considered and lists the date and approximate time for discussion of the item.

Also noted is whether the item will be considered in closed or public session. Closed sessions are closed to members of the public. All discussions held in public sessions are open to those interested in attending. Interested members of the public who wish to address the Board on a public session item may request the opportunity to do so.

Should you wish to obtain a copy of any of the items considered in the public sessions for the October 5, 2004, meeting, please contact staff in the Secretariat's Office, State Personnel Board, 801 Capitol Mall, MS 22, Sacramento, CA 95814 or by calling (916) 653-0429 or TDD (916) 654-2360, or the Internet at:

<http://www.spb.ca.gov/calendar.htm>

Notice and Agenda
Page 2
September 24, 2004

Should you have any questions regarding this Notice and Agenda, please contact staff in the Secretariat's Office at the address or telephone numbers above.

TAMARA LACEY
Secretariat's Office

Attachment

CALIFORNIA STATE PERSONNEL BOARD MEETING*
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150

Closed Session Location - Room 141

FULL BOARD MEETING AGENDA**

October 5, 2004

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

9:00 - 9:30

1. ROLL CALL
2. REPORT OF THE EXECUTIVE OFFICER

Report of Floyd Shimomura
Executive Officer
State Personnel Board
3. REPORT OF THE CHIEF COUNSEL
4. NEW BUSINESS
(Items may be raised by Board Members for scheduling and discussion at future meetings.)
5. REPORT ON LEGISLATION

* Sign Language Interpreter will be provided for Board Meeting upon request - contact Secretariat at (916) 653-0429, or CALNET 453-0429, TDD (916) 654-2360.

** The Agenda for the Board can be obtained at the following Internet address: **<http://www.spb.ca.gov/calendar.htm>**

- 9:30 - 10:00 6. ORAL ARGUMENT
Oral Argument in the matter of DEBRA GREENE, CASE NO. 03-0621A. Appeal from dismissal. Department of Motor Vehicles

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 10:00 - 10:15 7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 10:15 - 10:45 8. ORAL ARGUMENT
Oral Argument in the matter of CONNIE JOHNSON, CASE NO. 03-2620R. Appeal from 30-calendar-days suspension. Employment Development Department.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 10:45 - 11:00 9. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

- 11:00 - 11:30 10. ORAL ARGUMENT
Oral Argument in the matter of DENNIS UYEDA, CASE NO. 03-2396A. Appeal from five-working-days suspension. Latent Print Analyst II. Department of Justice.

CLOSED SESSION OF THE STATE PERSONNEL BOARD

- 11:30 - 12:00 11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS
Deliberations to consider matter submitted at prior hearing. [Government Code Sections 11126(d), 18653.]

12:00 - 1:00

LUNCH

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1:00 - 2:00

12. Informational Hearing – To provide an opportunity for interested parties to provide testimony regarding the California Performance Review's recommendations for the structure and organizational placement of the state's human resources function, including the State Personnel Board. These recommendations may be reviewed at the CPR website at www.cpr.ca.gov in the reports entitled, "Form Follows Function" (Chapter 10) and "Issues and Recommendations, Part B" (Issue SO41).

CLOSED SESSION OF THE STATE PERSONNEL BOARD

2:00

13. DELIBERATION ON ADVERSE ACTION, DISCRIMINATION COMPLAINT, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES
Deliberations on matters submitted at prior hearing, on proposed decisions, petitions for rehearing, rejected decisions, remanded decisions, submitted decisions, and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]
14. PENDING LITIGATION
Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code Sections 11126 (e)(1), 18653.]

State Personnel Board v. Department of Personnel Administration, California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association, California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court Case No. S125502.

International Union of Operating Engineers v. State Personnel Board, Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

California Attorneys, Administrative Law Judges and
Hearing Officers in State Employment, v. Department of
Industrial Relations and California State Personnel Board,
Sacramento Superior Court No.: 04CS00677
Caltrans v. SPB (Torossian)

15. RECOMMENDATIONS TO THE LEGISLATURE
Deliberations on recommendations to the Legislature.
[Government Code Section 18653.]
16. RECOMMENDATIONS TO THE GOVERNOR
Deliberations on recommendations to the Governor.
[Government Code Section 18653.]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

On Adjournment:

17. DISCUSSION OF COMING BOARD MEETING SCHEDULE
OF OCTOBER 19, 2004

BOARD ACTIONS

18. ADOPTION OF THE STATE PERSONNEL BOARD
SUMMARY MINUTES OF SEPTEMBER 1-2, 2004 ADN
SEPTEMBER 14, 2004
19. ACTION ON SUBMITTED ITEMS
(See Agenda Page 23)
These items have been taken under submission by the State
Personnel Board at a prior meeting and may be before the
Board for a vote at this meeting. This list does not include
evidentiary cases, as those cases are listed separately by
category on this agenda under Evidentiary Cases.

20. EVIDENTIARY CASES

The Board Administrative Law Judges conducts Evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

A. BOARD CASES SUBMITTED

These cases have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting.

MARTIN HERNANDEZ, CASE NO. 02-4449A
Appeal from demotion
Correctional Sergeant
Calipatria State prison – Imperial
Department of Corrections

CONNIE JAMES, CASE NO. 03-3136A
Appeal from fifteen-working-days
suspension
Accounting Technician
Employment Development Department

HUGO LANDEROS, CASE NO. 03-3190A
Appeal from dismissal
Employment Program Representative
Employment Development Department

JACQUELYN MCCARVER, CASE NO. 03-0669A
Appeal from demotion
Correctional Sergeant
Rainbow Conservation Center – Fallbrook
Department of Corrections

MARYLAND PAGE, CASE NO. 03-3703A
Appeal from five-percent reduction
in salary for twelve months
Correctional Officer
California State Prison – Blythe
Department of Corrections

GARY WHALEY, CASE NO. 03-1420A
Appeal from discrimination
Employment Program Representative
Employment Development Department

B. CASES PENDING

- Oral Arguments

These cases are on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

DEBRA GREENE, CASE NO. 03-0621A
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

CONNIE JOHNSON, CASE NO. 03-2620R
Appeal from 30-calendar-days suspension
Employment Program Representative
Employment Development Department

DENNIS UYEDA, CASE NO. 03-2396A
Appeal from five-working-days suspension
Latent Print Analyst II
Department of Justice

C. CHIEF COUNSEL RESOLUTIONS

- Court Remands

These cases have been remanded to the Board by the court for further Board action.

NONE

- Stipulations

These stipulations have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

NONE

D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS

- Proposed Decisions

These are ALJ proposed decisions submitted to the Board for the first time.

CHRISTINA KEATING, CASE NO. 99-5136B
Appeal for determination of salary,
benefits and interest
Disability Insurance Program Representative
Employment Development Department

JOYCE KHAN, CASE NO. 02-2870
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services

DAVID MERAZ, CASE NO. 04-1242
Appeal from five-percent reduction
in salary for three months
Correctional Officer
Calipatria State Prison – Calipatria
Department of Corrections

EARL MYKLES, CASE NO. 04-0250
Appeal from ten-work-days suspension
Workers' Compensation Claims Adjuster
State Compensation Insurance Fund

CAESAR NELSON, CASE NO. 04-1522
Appeal from ten-percent reduction
in salary for six months
Correctional Sergeant
North Kern State Prison - Delano
Department of Corrections

PAUL REEDER, CASE NO. 04-0570
Appeal from 30-work-days suspension
Correctional Officer
Richard J. Donovan Correctional Facility
Department of Corrections

SAMUEL SWEENEY, CASE NO. 04-0794
Appeal from 20-calendar-days suspension
Correctional Officer
California Institution for Men – Chico
Department of Corrections

VICTOR TOVAR, CASE NO. 04-1035
Appeal from two-working-day suspension
Public Safety Dispatcher II
Department of the California Highway Patrol

REGINALD WEST, CASE NO. 04-0152
Appeal from dismissal
Psychiatric Technician
Department of Mental Health

- Proposed Decisions Taken Under Submission At Prior Meeting
These are ALJ proposed decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

NONE

- Proposed Decisions After Board Remand

NONE

- Proposed Decisions After SPB Arbitration

NONE

E. PETITIONS FOR REHEARING

- ALJ Proposed Decisions Adopted By The Board
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

LINDA PARDY, CASE NO. 03-1376EP
Appeal of reasonable accommodation
Senior Environmental Scientist
Water Resources Control Board

- Whistleblower Notice of Findings
The Board will vote to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

SCOTT O'HARA, CASE NO. 04-0428P
Appeal from whistleblower retaliation
Associate Management Auditor
State Controllers Office

GREG SCHILLER, CASE NO. 02-2569P
Appeal from whistleblower retaliation
Research Program Specialist II
Department of Mental Health

F. PENDING BOARD REVIEW

These cases are pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

ANN R. ABIERAS, CASE NO. 04-0531A
Appeal from ten-percent reduction
in salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services

DANNY BOYD, CASE NO. 03-1537A
Appeal from dismissal
Youth Correctional Officer
California Youth Authority - Chino

NICHOLAS COMAITES, CASE NO.
03-0062A
Appeal from official reprimand
Correctional Counselor II
Department of Corrections
AND

PAUL WARD, CASE NO. 03-0332A
Appeal from official reprimand
Correctional Administrator
Department of Corrections

EVELYN B. CORPUS, CASE NO. 04-0529A
Appeal from ten-percent reduction in
salary for twelve months
Psychiatric Technician Assistant
Department of Developmental Services

NESSLIN CRUZ, CASE NO. 03-1824
Appeal from ten-work-day suspension
Employment Program Representative
(Permanent Intermittent)
Employment Development Department

PRISCILA CRUZ, CASE NO. 04-0554E
Appeal from discrimination complaint
Clinical Laboratory Scientist
California Medical Facility - Vacaville
Department of Corrections

DOREATHA FLEMING, CASE NO. 03-2274
Appeal from dismissal
Motor Vehicle Field Representative
Department of Motor Vehicles

JOHN FLORES, CASE NO. 03-2588E
Appeal of retaliation
Hospital Peace Officer I
Department of Mental Health

RICHARD HARMON, CASE NO. 03-3739
Appeal from dismissal
Psychiatric Technician Assistant
Department of Developmental Services

ROYCE HENSON, CASE NO. 02-3501E
Appeal from retaliation complaint
Staff Services Manager II (Supervisor)
Department of forestry and Fire Protection

HAJI JAMEEL, CASE NO. 04-0330
Appeal from dismissal
Supervising Transportation Engineer
California Public Utilities Commission

EDWARD LIMON, CASE NO. 04-0233
Appeal from dismissal
Parole Agent I
Department of the Youth Authority

LEIJANE OGAWA, CASE NO. 03-2943A
Appeal from discrimination
Office Assistant (General)
Department of Transportation

VIRGINIA PARKER, CASE NO. 03-0325A
Appeal from demotion
Correctional Lieutenant
Ironwood State Prison – Blythe
Department of Corrections

KIM RITTENHOUSE, CASE NOS. 03-3541A &
03-3542A
Appeal from denial of reasonable
accommodation and from constructive medical
termination
Office Technician (General)
Department of Fish and Game

PEARLIE BLEDSOE-TOWNES, CASE NO.
03-2966A
Appeal from denial of request for reasonable
Accommodation
Correctional Sergeant
Central California Women's Facility –
Chowchilla
Department of Corrections

21. RESOLUTION EXTENDING TIME UNDER GOVERNMENT
CODE SECTION 18671.1 EXTENSION
(See Agenda Page 22)

22. NON-EVIDENTIARY CASES

A. WITHHOLD APPEALS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(Cases with hearings)

JON JOSCELYN, CASE NO. 03-2363

Classification: Correctional Officer

Department: Corrections

THOMAS NAVARRETTE , CASE NO. 03-2333

Classification: Correctional Officer

Department: Corrections

(Cases without hearings)

RICHARD BURLEY, CASE NO. 03-2481

Classification: Correctional Officer

Department: Corrections

DAVEY FRESCAS, CASE NO. 03-0966

Classification: Correctional Officer

Department: Corrections

KEVIN HICKS, CASE NO. 03-3183

Classification: Correctional Officer

Department: Corrections

LEROY JACKSON, NO. 03-3552

Classification: Correctional Officer

Department: Corrections

DAMIAN LOVE, CASE NO. 03-2645

Classification: Correctional Officer

Department: Corrections

YURITZA NARANJO, CASE NO. 03-2423

Classification: Correctional Officer

Department: Corrections

PABLO PAREDES, CASE NO. 03-2519

Classification: Correctional Officer

Department: Corrections

VANESSA PASSALACQUA, CASE NO. 03-3215

Classification: Medical Technical Assistant

Department: Corrections

RUBEN SANCHEZ, CASE NO. 03-2739

Classification: Correctional Officer

Department: Corrections

SHANNON TABARI, CASE NO. 03-3561

Classification: Parole Agent

Department: Corrections

MARCEL TILLMAN, CASE NO. 03-2419

Classification: Correctional Officer

Department: Corrections

DAMON VEREEN, CASE NO. 03-2510

Classification: Cadet, CHP

Department: California Highway Patrol

RONALD WOLFE, CASE NO. 03-2514

Classification: Correctional Officer

Department: Corrections

B. MEDICAL AND PSYCHOLOGICAL SCREENING
APPEALS

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board will be presented recommendations by a Hearing Panel on each appeal.

SCOTT HENDRY; CASE NO. 03-2500

Classification: Correctional Officer

Department: Corrections

ALLEN ROBLES, CASE NO. 03-2613

Classification: Correctional Officer

Department: Corrections

OSWALDO SOTO, CASE NO. 03-1187

Classification: Correctional Officer

Department: Corrections

BRANDON WAINWRIGHT, CASE NO. 03-1668

Classification: Cadet

Department: California Highway Patrol

C. EXAMINATION APPEALS - NONE
MINIMUM QUALIFICATIONS - NONE
MERIT ISSUE COMPLAINTS

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board will be presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

(Merit Issue Cases)

MICHAEL OKEY, CASE NO. 03-3062

Classification: Senior Architect

Department: Transportation

PHIL VALENTI, CASE NO. 02-3834X

Classification: Regional Manager

Department: Industrial Relations (DIR)

D. RULE 212 OUT-OF-CLASS APPEALS - NONE
VOIDED APPOINTMENT APPEALS - NONE
RULE 211 APPEALS - NONE

Cases heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board will be presented recommendations by a Staff Hearing Officer for final decision on each appeal.

E. REQUEST TO FILE CHARGES CASES
PETITIONS FOR REHEARING CASES - NONE

Investigated by Appeals Division staff. The Board will be presented recommendations by Appeals Division staff for final decision on each request.

MARIE DOUGLAS, CASE NO. 03-1930

Classification: Research Analyst

Department: Transportation

F. PSYCHOLOGICAL SCREENING CASES

Cases reviewed by Appeals Division staff, but no hearing was held. It is anticipated that the Board will act on these proposals without a hearing.

STEVEN COMER, CASE NO. 04-1861

Classification: Correctional Officer

Department: Corrections

PETER NHAN, CASE NO. 04-1584
Classification: Correctional Officer
Department: Corrections

JESUS ORTEGA, CASE NO. 04-1629
Classification: Correctional Officer
Department: Corrections

23. NON-HEARING CALENDAR

The following proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff. It is anticipated that the Board will act on these proposals without a hearing.

Anyone with concerns or opposition to any of these proposals should submit a written notice to the Executive Officer clearly stating the nature of the concern or opposition. Such notice should explain how the issue in dispute is a merit employment matter within the Board's scope of authority as set forth in the State Civil Service Act (Government Code Section 18500 et seq.) and Article VII, California Constitution. Matters within the Board's scope of authority include, but are not limited to, personnel selection, employee status, discrimination and affirmative action. Matters outside the Board's scope of authority include, but are not limited to, compensation, employee benefits, position allocation, and organization structure. Such notice must be received not later than close of business on the Wednesday before the Board meeting at which the proposal is scheduled. Such notice from an exclusive bargaining representative will not be entertained after this deadline, provided the representative has received advance notice of the classification proposal pursuant to the applicable memorandum of understanding. In investigating matters outlined above, the Executive Officer shall act as the Board's authorized representative and recommend the Board either act on the proposals as submitted without a hearing or schedule the items for a hearing, including a staff recommendation on resolution of the merit issues in dispute.

(A) FISH AND GAME WARDEN SERIES

The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised

for consistency; revisions to the class specification to incorporate and update new laws regarding domestic violence and prior use of hard drugs by the applicant; revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat.

(B) INSURANCE RATE ANALYST

The Department of Insurance (DOI) proposes to consolidate classes into a series specification of Insurance Rate Analyst, Department of Insurance: Insurance Rate Analyst; Associate Insurance Rate Analyst; Senior Insurance Rate Analyst; and Supervising Insurance Rate Analyst. In addition DOI proposes broadening the minimum qualifications to improve recruitment efforts as well as updating the scope, definition, knowledge and abilities of the classes in the proposed series specification, Insurance Rate Analyst, Department of Insurance.

(C) PRESIDING WORKERS' COMPENSATION JUDGE

The Department of Industrial Relations (DIR) is proposing the following minor specification revisions to the class of Presiding Workers' Compensation Judge: incorporate the use of the classification within the department's district offices; and updating the knowledge and abilities sections of the specification to reflect current language.

24. STAFF CALENDAR ITEMS FOR BOARD INFORMATION

NONE

25. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

Agenda - Page 17
October 5, 2004

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Personnel Resources and Innovation Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS
CURRENTLY UNDER CONSIDERATION

(1) CHIEF, OFFICE OF AUDIT SERVICES

The Department of General Services proposes to allocate the above position to the CEA category. The Chief, Office of Audit Services is the primary advisor to the Department of General Services Director and executive management team on departmental audit and internal control structure policy matters.

(2) DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING

The Department of Alcohol and Drug Programs proposes to allocate the above position to the CEA category. The Deputy Director, Office of Problem Gambling is responsible for development of department-wide policies pertaining to the development and implementation of statewide strategies of effectively manage and direct the challenging and evolving needs of problem gambling, including intervention, prevention, and treatment services.

(3) SPECIAL COUNSEL TO THE COMMISSIONER

The Department of Insurance proposes to allocate the above position to the CEA category. The Special Counsel to the Commissioner provides legal and policy advice and counsel to the Insurance Commissioner concerning workers' compensation and related litigation.

(4) SPECIAL ASSISTANT TO THE DIRECTOR

The Department of Youth Authority proposes to allocate the above position to the CEA category. The Special Assistant to the Director will provide a high level of confidential, administrative services through lower level administrators while independently dealing with a variety of complex and sensitive issues.

(5) DEPUTY DISTRICT DIRECTOR, CENTRAL REGION, ENVIRONMENTAL PLANNING

The California Department of Transportation proposes to allocate the above position to the CEA category. The Deputy District Director, Central Region, Environmental Planning plans, provides policy direction and manages the Central Region Environmental Program.

(6) DISTRICT 6, DEPUTY DISTRICT DIRECTOR, PLANNING & LOCAL ASSISTANCE PROGRAMS

The California Department of Transportation proposes to allocate the above position to the CEA category. The District 6, Deputy District Director, Planning & Local Assistance Programs develops

and implements policies related to transit and multi-modal strategic planning on the state highway system.

B. EXECUTIVE OFFICER DECISIONS REGARDING
REQUESTS TO ESTABLISH NEW CEA POSITIONS

NONE

26. WRITTEN STAFF REPORT FOR BOARD INFORMATION

NONE

27. PRESENTATION OF EMERGENCY ITEMS AS
NECESSARY

A D J O U R N M E N T

SUBMITTED

1. TEACHER STATE HOSPITAL (SEVERELY), ETC. Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)
2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES). Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002)
3. TELEVISION SPECIALIST (SAFETY)
The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003)
4. HEARING – PSC #04-03
Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Presented to Board August 12, 2004)

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *



CALIFORNIA STATE PERSONNEL BOARD

GRAY DAVIS, Governor

801 Capitol Mall • Sacramento, California 95814 • www.spb.ca.gov



(Cal. 10/5/04)

TO: Members
State Personnel Board

FROM: State Personnel Board - Legislative Office

SUBJECT: LEGISLATION

There is no written legislative report at this time. I will give a verbal presentation on any legislative action that has taken place that will be of interest to the Board.

Please contact me directly should you have any questions or comments regarding this report. I can be reached at (916) 653-0453.

Sherry Hicks
Director of Legislation

STATE PERSONNEL BOARD

NON-HEARING CALENDAR

RE: BOARD CALENDAR OCTOBER 5, 2004

(Cal. 10/5/04)

MEMO TO: STATE PERSONNEL BOARD

FROM: KAREN COFFEE, Chief, Merit Employment and Technical
Resources Division

SUBJECT: Non-Hearing Calendar Items for Board Action.

Staff have evaluated these items and recommend the following action be taken:

	<u>PAGE</u>
A. FISH AND GAME WARDEN SERIES	201
The Department of Fish and Game (DFG) is proposing the following revisions to the Fish and Game Warden series specification: the class titles are being revised for consistency; revisions to the class specification to incorporate and update new laws regarding domestic violence and prior use of hard drugs by the applicant; revise the Minimum Qualifications to add a pattern whereby current peace officers can enter the class and obtain the necessary training to perform the duties of a law enforcement officer; abolishing the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat.	
B. INSURANCE RATE ANALYST SERIES	220
The Department of Insurance (DOI) proposes to consolidate classes into a series specification of Insurance Rate Analyst, Department of Insurance: Insurance Rate Analyst; Associate Insurance Rate Analyst; Senior Insurance Rate Analyst; and Supervising Insurance Rate Analyst. In addition DOI proposes broadening the minimum qualifications to improve recruitment efforts as well as updating the scope, definition, knowledge and abilities of the classes in the proposed series specification Insurance Rate Analyst, Department of Insurance.	
C. PRESIDING WORKERS' COMPENSATION JUDGE	240
The Department of Industrial Relations (DIR) is proposing the following minor specification revisions to the class of Presiding Workers' Compensation Judge: incorporate the use of the classification within the department's district offices; and updating the knowledge and abilities sections of the specification to reflect current language.	

TO: STATE PERSONNEL BOARD

FROM: MARGIE IMAI, Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: JOSIE FERNANDEZ, Program Manager
Department of Personnel Administration

ROBERT K. PAINTER, Chief, Policy and Operations Division
Department of Personnel Administration

SUBJECT: Proposed title change and specification revision for the classes appearing in the Fish and Game Warden series specification; and proposed abolishment of the Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat classes.

SUMMARY OF ISSUES:

The Department of Fish and Game (DFG) is proposing to retitle and revise the Fish and Game Warden series specification. The class titles are being revised for consistency and the class specification is being revised and updated to incorporate new laws regarding domestic violence and the prior use of hard drugs by the applicant. DFG is also proposing to revise the minimum qualifications to add a pattern whereby current peace officers can enter the Fish and Game Warden class and obtain the necessary training to perform the duties of a DFG law enforcement officer. The classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat are also being proposed for abolishment.

CONSULTED WITH:

Debbie Gojnic, Department of Fish and Game
Joan Bettati, Department of Fish and Game
Jennifer Roche, State Personnel Board
Karen Coffee, State Personnel Board
Tim Virga, Department of Personnel Administration
Alan Barcelona, California Union of Safety Employees
Dennis DeAnda, California Fish and Game Warden Supervisor and Manager Association

In accordance with the terms of the DPA/CAUSE contract, DPA has notified the union in writing of this proposal.

State Personnel Board

BACKGROUND AND CONSIDERATIONS:

See attached proposal.

RECOMMENDATIONS:

1. That the titles of the following classes be changed as indicated; and the proposed revised specification for these classes appearing in the Fish and Game Warden series specification shown in this calendar be adopted.

<u>From</u>	<u>To</u>
Fish and Game Warden, Department of Fish and Game	Fish and Game Warden
Fish and Game Patrol Lieutenant (Specialist)	Fish and Game Lieutenant (Specialist)
Fish and Game Patrol Lieutenant (Supervisor)	Fish and Game Lieutenant (Supervisor)
Fish and Game Patrol Captain	Fish and Game Captain
Regional Patrol Chief, Department of Fish and Game	Fish and Game Assistant Chief

2. That the classes of Lieutenant, Fish and Game Patrol Boat and Captain, Fish and Game Patrol Boat be abolished.

B. CLASSIFICATION CONSIDERATIONS

BACKGROUND

Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

Department of Fish and Game (DFG) law enforcement personnel are designated as peace officers under Penal Code Section 830.2. Their primary responsibility is enforcing laws in the Fish and Game Code and the orders, rules, and regulations of the Fish and Game Commission. The task of protecting California's fish and wildlife make DFG law enforcement one of the most visible forms of protection and enforcement in the State. While DFG's law enforcement personnel enforces fishing and hunting codes and cite violators, their responsibilities also encompasses the protection of California's natural resources through enforcement of laws and investigation of violations of pollution regulations and illegal destruction of streambed habitat and water diversions. Additionally, DFG law enforcement personnel respond to off-highway petroleum and hazardous material spills throughout the State. DFG law enforcement personnel routinely arrest and apprehend suspects for violations, investigate reports of violations, and issue warnings and citations. Wardens also prepare cases for prosecution from the initial field investigation to the presentation in court and engage in various enforcement activities from undercover sting operations to highly visible patrols. Patrols can take place in the air, on lakes, rivers, streams, the ocean, and on the ground.

Other law enforcement agencies (i.e., local law enforcement agencies, the California Highway Patrol, local federal district rangers) depend upon and use DFG law enforcement as backup personnel for other than fish and game issues (i.e., drug arrests, robberies in progress, high-risk felony vehicle stops). While performing backup assistance to other law enforcement agencies, DFG law enforcement personnel also enforce the Penal, Vehicle, and Health and Safety codes. Moreover, under an agreement with the Department of the Interior and the U.S. Fish and Wildlife Service, all DFG law enforcement staff are specially appointed as a United States law enforcement officer, authorized to enforce Federal fish and wildlife laws within the State, and in states immediately adjacent to California. Additionally, because of recent national terrorist threats and the fact that our nation is at war, DFG law enforcement officers are required to assist multiple law enforcement agencies in the protection of public safety and provide increased security at numerous locations throughout the State.

DFG is proposing to revise the Fish and Game series specification to include a title change for the classes within the series to allow for consistency; revise the minimum qualifications to expand our recruitment pool of current peace officers outside of DFG; and to reflect changes in Title 2 of the California Code of Administration, Division 1, Administrative Personnel, which concerns the disclosure of prior drug use by peace officer candidates, and the Federal Omnibus Consolidated Appropriations Act of 1997 which make it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition.

Additionally, DFG requests that the classes of Lieutenant, Fish and Game Patrol Boat, and Captain, Fish and Game Patrol Boat be abolished. In 1995, the DFG revised the Fish and Game Warden series and incorporated the duties and responsibilities of the

Lieutenant and Captain, Fish and Game Patrol Boat classifications. These classes are now redundant and obsolete.

CLASSIFICATION CONSIDERATIONS

What classification(s) does the subject class(es) report to?

- X Warden Cadets may report to Fish and Game Wardens, Lieutenants, Captains and Assistant Chiefs.
- X Fish and Game Wardens report to Lieutenants, Captains and Assistant Chiefs.
- X Lieutenants may report to Captains and Assistant Chiefs.
- X Captains may report to Assistant Chiefs.
- X Assistant Chiefs report to the Chief of the Enforcement Branch.

Will the subject class(es) supervise? If so, what class(es)?

See Number Two above.

What are the specific duties of the subject class(es)?

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of the Penal, Vehicle, and Health and Safety Codes and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, and taking emergency action to preserve life in traffic or other accidents, and participating in homeland security efforts on states lands and waters.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence; seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the District Attorney, Attorney General, and the Department of Justice; investigating the importation, buying and selling, transportation and possession of illegal fish and wildlife; working undercover; inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native and exotic wildlife maintained in captivity; conducting compliance inspections and enforcing provisions of streambed alteration agreements and habitat-related crimes; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other

groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies, and may be required to investigate wildlife crop damage and advise landowners on countermeasures, and issue depredation permits, if necessary. Assignments may include patrol duties aboard fish and game vessels; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; responsibility for the supervision of cadets and training of cadets.

What is the decision-making responsibility of the subject class(es)?

See number four above.

What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Programs problems, lost funding, public safety compromised, etc.)

- X Inadequate protection for the public;
- X Inadequate protection for wildlife/natural resources and their habitat;
- X Longer response time to violations, crimes in progress, and hazardous spills;
- X Increased liability exposure resulting from poor response capability;
- X An increase in violence and property crimes;
- X Increased threat to endangered species;
- X Increased risk to existing law enforcement staff;
- X Increased costs as a result of liability claims and restoration of damaged natural resources; and
- X Diminished public education programs.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

See number four above.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Fish and Game Wardens have daily contact with members of the public; from a hunter or fisherman, to a county judge or district attorney. They interact with other law enforcement agencies, commercial fishing companies, hazardous spill response employees, the Coast Guard, and the Homeland Security Agency, to name a few. Fish and Game Wardens patrol an area encompassing nearly 600 square miles and are involved in local community organizations and the public they serve.

9. Need to new class(es) (if necessary)

For new classes only: what existing classes were considered and why were they not appropriate?

Not applicable

10. Minimum Qualifications

What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside patterns.)

DFG is proposing to revise the minimum qualifications as follows:

ALL CLASSES

The following requirements are part of the AMinimum Qualifications≡ for all classes in the series.

Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment. and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units competed in the required or related fields, will be admitted to the examination but must product evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

FISH AND GAME WARDEN

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basic peace officer certificate, and currently employed as a peace officer within the State of California at time of application.

FISH AND GAME LIEUTENANT (SPECIALIST)

FISH AND GAME LIEUTENANT (SUPERVISOR)

Two years of experience in the California state service performing the duties of a peace officer at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

FISH AND GAME CAPTAIN

Either I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Lieutenant (Supervisor) or Fish and Game Lieutenant (Specialist).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~
ASSISTANT CHIEF

Either I

Two years of experience in California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Lieutenant (Supervisor) or Fish and Game Lieutenant (Specialist).

DFG is proposing to add a pattern whereby current California peace officers who have completed a basic law enforcement Academy, who have earned their POST certificate (which they will attain after working full-time as a peace officer for one year in California), and who is working as a peace officer in California can enter the Fish and Game Warden classification without having to go through a six month Fish and Game basic peace officer academy. The proposed revision to the minimum qualifications adds new language which will enhance DFG=s recruitment efforts by allowing current peace officers outside DFG to be hired as Wardens. Currently, they must attend the six month training academy as a Fish and Game Warden Cadet. By allowing current peace officers to enter at the Warden level, the department will expand their candidate pool. Candidates are reluctant to apply for the Fish and Game Warden Cadet class as their current pay, in most cases, is higher than a Fish and Game Warden Cadet.

DFG is proposing revisions to the ADisqualification≡ section of the class specifications. Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete or be appointed to positions in these classes.

Due to the Gun Control Act of 1968 being amended by the Federal Omnibus Consolidated Appropriations Act of 1997, DFG is requesting to update the specifications to include:

You are disqualified from being employed as a peace officer under the Gun Control Act of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of violence means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of a victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

The current specifications contain language pertaining to an applicant=s use of Ahard= drugs which state A subsequent to applicant=s 18th birthday shall be grounds for disqualification from the examination unless 10 years have elapsed from the date of the disclosed use of the drug.= However, Title 2, section 213.5(c) of the California Code of Regulations was expanded to read:

A Use of hard drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant=s 18th birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless 5 years have elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant=s twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

Probationary Period

11. If a probationary period other than six months is proposed, what is the rationale?

Not applicable B this revision does not change the previously established probationary period.

Status Considerations

12. What is the impact on the current incumbents?

Current incumbents will only be affected by a classification title change.

There are no incumbents in the classes of Lieutenant, Fish and Game Patrol Boat, and Fish and Game Patrol Boat Captain.

13. Will current employees move by examination, transfer, reallocation, split-off, etc?

Not applicable

Consulted With

14. In addition to the department contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Bernadette Fees, DFG
 Kathy Killian, DFG
 Rona Murray, DFG
 Mike Carion, DFG, Training Academy
 Ray Hernandez, DFG, Human Resources
 Tom Harmon, DFG
 Greg Laret, DFG
 Phil Gaskins, DFG

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~
 Series Specification
 (Established April 3, 1974)

SCOPE

This series specification describes six Fish and Game Warden classes used in the Department of Fish and Game.

<u>Schem</u>	<u>Class</u>	
<u>Code</u>	<u>Code</u>	<u>Class</u>
VB94	8486	Fish and Game Warden Cadet
VB90	8421	Fish and Game Warden, Department of Fish and Game
VB80	8005	Fish and Game Patrol Lieutenant (Specialist)
VB75	8418	Fish and Game Patrol Lieutenant (Supervisor)
VB50	8412	Fish and Game Patrol Captain
VB20	8405	Regional Patrol Chief, Department of Fish and Game <u>Assistant Chief</u>

DEFINITION OF SERIES

The Fish and Game Warden series describes work concerned with the prevention of violations and the enforcement of laws and regulations relating to the conservation and protection of fish, wildlife, and their habitat. As peace officers, incumbents in this series may also be required to take action in crimes of a general nature, including violations of Penal, Vehicle, Health and Safety Codes, and others to preserve and protect all public health and safety. This may include arresting armed and dangerous felons, arresting drug traffickers and seizing related evidence, stopping and arresting drunk drivers, taking emergency action to preserve life in traffic or other accidents, and participating in Homeland Security efforts on State lands and waters. Incumbents above the cadet level are designated as peace officers. Positions in this series may involve responsibilities or duties in a regional or headquarters office.

Work assignments in the series involve administering and enforcing fish, wildlife, and habitat protection laws, rules, and regulations; conducting investigations with full participation in surveillance, interviewing witnesses, searching for and taking custody of physical evidence, ~~seizure of~~ seizing illegal fish, wildlife and equipment connected with violations, securing and serving search warrants, making arrests and testifying in court; coordinating cases with the district attorney, attorney general, and the Department of Justice; investigating the importation, buying and selling, transportation, and possession of illegal fish and wildlife; ~~investigating wildlife crop damage and advising landowners on countermeasures; issuing depredation permits~~; working undercover; ~~responsibility for inspection of~~ inspecting commercial fishing operations, canneries, processors, and fish markets and fish landings; collecting and reporting of information on the condition of fish, wildlife, and their habitat; inspecting facilities for the care of native

and exotic wildlife maintained in captivity; ~~preparing, enforcing, and inspecting~~ conducting compliance inspections and enforcing provisions of streambed alteration agreements and habitat-related crimes; assisting in the planning of controlled hunts; giving information to the general public; attending and speaking at meetings of sportspersons, civic, and other groups; developing fishing and hunting regulations, laws, rules, and policies; preparing correspondence and reports; performing special staff assignments; assisting in promoting and conducting hunter education training; administering departmental wildlife protection training; responding to and investigating suspected pollution, oil, and hazardous material spills; assisting other law enforcement agencies; and may be required to investigate wildlife crop damage and advise land owners on countermeasures, and issue depredation permits, if necessary. Assignment may include patrol duties aboard a fish and game vessel; horse patrol, snow patrol, the use of backpacking equipment or other special safety equipment; performance of scuba diving duties; and responsibility for the supervision of cadets and training of cadets.

ENTRY LEVELS

Entry into this series is typically at the Fish and Game Warden Cadet level. Those individuals who have successfully completed a basic law enforcement academy accredited by the Commission on Peace Officer Standards and Training (POST) shall be appointed to Range A or B of the Fish and Game Warden, ~~Department of Fish and Game~~, class as appropriate. All Fish and Game Warden Cadet and Fish and Game Warden appointees must successfully complete the required field training programs. Incumbents who do not enter the series through the Fish and Game Warden Cadet classification, and who have completed a POST accredited basic law enforcement academy, must also successfully complete the prescribed Fish and Game training.

FACTORS AFFECTING POSITION ALLOCATION

These are work elements which can be compared to measure the similarity and evaluate the level of positions. The following allocation factors are typically used to evaluate the level and complexity of positions to assure consistency.

Level, variety, and complexity of work; nature of public contact; supervision exercised and received; latitude for independent judgment and action; responsibility for decision; and influence on departmental policy, program evaluation, budget decisions, or legislative recommendations.

DEFINITION OF LEVELS

FISH AND GAME WARDEN CADET

This is the recruiting and training level for the series. Under close supervision, incumbents participate in a POST accredited basic law enforcement training ~~program~~ academy to learn the work of a Fish and Game Warden, ~~Department of Fish and Game~~. Incumbents who do not successfully complete the prescribed law enforcement academy ~~accredited by POST~~ will be ineligible for appointment to the class of Fish and Game Warden, ~~Department of Fish and Game~~.

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

This is the first working and journey level of the series. Under general supervision, incumbents perform patrol and investigative duties and may be assigned a geographic area; enforce laws relating to fish and wildlife conservation; issue citations; make arrests; collect evidence and complete crime reports; testify in

court; investigate reported fish and game violations; perform patrol duties aboard a fish and game vessel; respond to and investigate pollution, oil, and hazardous material spills; act as Incident Commander in minor oil and hazardous material spills; develop and enforce streambed alteration agreements; explain the Department's programs before groups; work as field training officers (FTOs); assist other law enforcement agencies. Incumbents may be assigned special administrative assignments performing the less difficult analysis and staff work such as the initial review of a legislative bill analysis. Incumbents may be required to work out of their home and maintain a home office, and in remote locations.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

This is the advanced journey level in the series. In a specialist assignment, under direction, incumbents implement specific programs; independently perform the more difficult analysis and staff review work; conduct the more difficult and complex investigations; assist supervisors with training issues; review legislative bills; assist in promoting uniform application of procedures; coordinate and review regulation proposals; assist in the development of procedures; deal with the public on the more sensitive enforcement issues; direct field training activities; review streambed alteration agreements; and act as Incident Commander in large oil and hazardous material spills.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

This is the first supervisory level in the series. Under direction, incumbents supervise and direct the work of Fish and Game Wardens and other personnel in a geographic area of the State; patrol and investigate violations; perform patrol duties aboard a fish and game vessel; supervise work involved in oil and hazardous material spills; act as Incident Commander in large oil and hazardous material spills; direct and review streambed alteration agreements; deal with the public on the more sensitive enforcement issues; investigate citizens complaints; conduct internal affairs investigations; conduct or coordinate required training; supervise FTO activities; plan and assign work; evaluate performance and take appropriate action; inspect equipment and implement safe work practices; and explain the Department's programs before groups.

FISH AND GAME ~~PATROL~~ CAPTAIN

This is the second supervisory level in the series. Under general direction, incumbents supervise and direct the work of Fish and Game ~~Patrol~~ Lieutenants, Fish and Game Wardens, or other personnel; are responsible for an operating budget to plan and conduct enforcement efforts in a geographic area of the State; make recommendations concerning the arrest and prosecution of violators; plan and conduct effective patrols on land and/or utilizing fish and game vessels; supervise and manage equipment use; conduct internal affairs investigations; evaluate, negotiate, and enforce streambed alteration agreements and water pollution violations; act as Incident Commander in major oil and hazardous material spills; ~~plan, conduct, and evaluate Advanced Peace Officer training~~; evaluate performance and take appropriate action; represent the Department before groups; compose difficult correspondence and reports for the Division Chief, Regional Manager, and Director. In a specialist assignment, incumbents are responsible for directing and managing statewide programs or programs of high intensity. Incumbents perform staff functions such as recommending changes in laws, regulations, and procedures; assist in proposing changes to departmental policy; prepare documents related to Fish and Game Code regulations and California Code of Regulations; evaluate potential impacts of proposed law enforcement changes and make recommendations; act as Incident Commander in major oil and hazardous material spills; assist in budget preparation; prepare administrative reports; complete appropriate legal documents and reports;

conduct and coordinate internal affairs investigations; respond to complex law enforcement-related questions and complaints; plan, develop, and coordinate FTO, Advanced Peace Officer, Defensive Tactics, Firearms Proficiency, Specialized Vehicle Operations, and other training; conduct and evaluate Advanced Peace Officer training; ~~or~~ and operate the cadet training academy.

REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME ASSISTANT CHIEF

This is the highest supervisory level in the series. Under general direction, incumbents supervise an assigned staff; provide high level assistance on extremely sensitive wildlife protection matters; enforce laws, rules, and regulations; ensure that the wildlife protection mission is accomplished; promote uniform application of policies, laws, and regulations; review recommendations for legislative bills; review reports and correspondence for impact on the wildlife protection function; act as a liaison with other agencies and organizations on wildlife matters; supervise and have full responsibility over major statewide programs which have strong legislative or political interest, major law enforcement concerns, major public concern and awareness, extensive media coverage and multiagency involvement; develop policy; assist in law and regulation changes; assist in budget preparation and assess budget requests; coordinate program activities with other functions; keep management informed of extremely significant law enforcement issues and problems; and represent the ~~Division~~ Branch Chief or Regional Manager in their absence.

MINIMUM QUALIFICATIONS

ALL CLASSES:

The following requirements are part of the "Minimum Qualifications" for all classes in the series.

Education: Possession of a valid driver license of the appropriate class issued by the Department of Motor Vehicles. Applicants who do not possess this license will be admitted to the examination but must secure the license prior to appointment.

and

Education: Equivalent to completion of two years (60 semester units) of college with 18 semester units in the biological sciences, police science or law enforcement, natural resources conservation, ecology, or related fields. (Students who have 30 semester units of college, and have 18 semester units completed in the required or related fields, will be admitted to the examination, but must produce evidence of completion of 60 semester units before they can be considered eligible for appointment.)

ALL CLASSES EXCEPT FISH AND GAME WARDEN CADET

FISH AND GAME WARDEN

Successful completion of a California POST accredited Law Enforcement Academy, possession of a valid California POST basic peace officer certificate, and currently employed as a peace officer within the State of California at time of application.

~~Possession of a POST basic peace officer academy certificate.~~

~~FISH AND GAME WARDEN, DEPARTMENT OF FISH AND GAME~~

~~Successful completion (within the last three years) of a POST-certified basic peace officer academy.~~

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)
FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

FISH AND GAME ~~PATROL~~ CAPTAINEither I

One year of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

Or II

Three years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game Warden, ~~Department of Fish and Game~~, Range B.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEFEither I

Two years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Captain.

Or II

Four years of experience in the California state service performing the duties of a peace officer class at a level of responsibility equivalent to that obtained in the class of Fish and Game ~~Patrol~~ Lieutenant (Specialist) or Fish and Game ~~Patrol~~ Lieutenant (Supervisor).

KNOWLEDGE AND ABILITIES

FISH AND GAME WARDEN CADET

Ability to: Gather and analyze facts; reason logically, draw valid conclusions, and make appropriate recommendations; follow instructions; communicate effectively and write clearly and concisely; establish and maintain effective working relationships with those contacted in the work; learn rules and regulations; interpret, apply, and enforce fish and game laws; read and interpret maps; analyze situations accurately, think and act quickly in emergencies, and take effective action; establish and maintain tactful and effective relations with the public; learn safety and proficiency with firearms, peace officer protective equipment, and other equipment used on the job; and administer first aid treatment.

FISH AND GAME WARDEN, ~~DEPARTMENT OF FISH AND GAME~~

Knowledge of: Investigation techniques and procedures; rules of evidence and court procedures; laws of arrest, search and seizure and legal rights of citizens, and service of legal process; State and applicable Federal laws; basic principles and techniques of natural resources management; habits, life histories, ecological relationships, and geographical distribution of sport and commercial fishes and wildlife in California; sport and commercial fishing and hunting practices and equipment; and current court decisions.

Ability to: All of the above, and assist in the interpretation and application of biological information and laws and regulations to specific situations; participate effectively in investigations and interviews; work on field assignments without close supervision and primarily on own initiative; train and act as a lead over new Fish and Game Wardens ~~and reserve Fish and Game Wardens or assistants~~; and prepare accurate and concise reports.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SPECIALIST)

Knowledge of: All of the above, and the provisions of the Fish and Game Code and other laws, rules, regulations, and policies relating to the conservation and protection of fish, wildlife, and their habitat in California; and instruction in the care and use of firearms and equipment.

Ability to: All of the above, and implement specific programs; direct or conduct complex investigations of fish and game law violations; conduct internal affairs investigations; and coordinate required training.

FISH AND GAME ~~PATROL~~ LIEUTENANT (SUPERVISOR)

Knowledge of: All of the above, and basic supervision; ~~the Department's Equal Opportunity Program objectives; a supervisor's role in the Equal Opportunity Program and the processes available to meet equal opportunity objectives and a manager's/supervisor's responsibility for promoting equal opportunity in hiring, employee development, and promotion and for maintaining a work environment that is free of discrimination or harassment.~~

Ability to: All of the above, and supervise and direct work; evaluate employee performance; conduct internal affairs investigations; and effectively contribute to ~~the Department's equal opportunity objectives promoting equal opportunity in employment and maintaining a work environment that is free of discrimination and harassment.~~

FISH AND GAME ~~PATROL~~ CAPTAIN

Knowledge of: All of the above, and principles and techniques of personnel management; and in-service training.

Ability to: All of the above, and implement programs to protect fish and wildlife resources; plan, conduct, and evaluate training programs; coordinate special enforcement activities; coordinate internal affairs investigations; and assist in budget preparation.

~~REGIONAL PATROL CHIEF, DEPARTMENT OF FISH AND GAME~~ ASSISTANT CHIEF

Knowledge of: All of the above, and program planning; Department policy; and the Department's funding and budget process.

Ability to: All of the above, and evaluate programs; develop policy; promote uniform application of policies, laws, and regulations; organize and manage statewide programs; and represent the ~~Division~~ Branch Chief or Regional Manager at anytime.

ADDITIONAL DESIRABLE QUALIFICATIONS

ALL CLASSES:

Ability to use word processing software on personal computers; ability to make minor vehicle repairs when service is not available; and ability to safely operate fish and game vessels.

SPECIAL PERSONAL CHARACTERISTICS

ALL CLASSES:

Willingness to work unusual hours and on Saturdays, Sundays, and holidays; willingness to live and work throughout the State; satisfactory record as a law-abiding citizen; neat personal appearance; tact; reliability; keenness of observation; and interest in and aptitude for fish and wildlife conservation and law enforcement work.

SPECIAL PHYSICAL REQUIREMENTS

FISH AND GAME WARDEN CADET

~~FISH AND GAME WARDEN, DEPARTMENT OF FISH AND GAME~~

Sound physical condition, ability to swim, and hearing adequate to perform the duties of the position; visual acuity of not less than 20/40 in each eye without correction and corrected to not less than 20/20 in each eye; normal color vision as measured by the Ishihara Pseudoisochromatic Plate Test or for persons failing the Ishihara, the Farnsworth D-15 Arrangement Test; and a peripheral field of view of at least 120 degrees of horizontal extent and 100 degrees of vertical extent, with no evidence of scotomas (nonseeing areas) within the full visual field of each eye.

~~FELONY~~ DISQUALIFICATION

ALL CLASSES:

Existing law provides that persons convicted of a felony or convicted of a misdemeanor crime of domestic violence are disqualified from employment as peace officers. Such persons are not eligible to compete for or be appointed to positions in these classes.

You are disqualified from being employed as a peace officer under Government Code 1029 if (1) you have been convicted of a felony in this State or any other state; (2) you have been convicted of any offense in any other state which would have been a felony if committed in this State; (3) you have been

charged with a felony and adjudged by a superior court to be mentally incompetent; (4) you have been found not guilty by reason of insanity of any felony; (5) you have been determined to be a mentally disordered sex offender; or (6) you have been addicted or in danger of becoming addicted to narcotics, convicted, and committed to a State institution.

You are disqualified from being employed as a peace officer under the Gun Control Act (GCA) of 1968 as amended by the Federal Omnibus Consolidated Appropriations Act of 1997, which makes it unlawful for any person convicted of a misdemeanor crime of domestic violence to ship, transport, possess, or receive firearms or ammunition. A misdemeanor crime of domestic violence means an offense that (1) is a misdemeanor under Federal or State law; and (2) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. This definition includes all misdemeanors that involve the use or attempted use of physical force and is true whether or not the State statute or local ordinance specifically defines the offense as a domestic violence misdemeanor.

Use of "hard" drugs (e.g., heroin, cocaine, or hallucinogenic) subsequent to applicant's 18th birthday and prior to his or her twenty-third birthday, shall be grounds for disqualification from the examination unless 10 5 years elapsed from the date of the disclosed or revealed use of the drug. If any such disclosed or revealed use has occurred on or after the applicant's twenty-third birthday, he or she shall be disqualified from the examination in which he or she is competing until 10 years have elapsed from the date of the disclosed or revealed use. The disqualification period shall begin on the date that the drug was used, and not on the date that the drug use was disclosed or revealed.

CITIZENSHIP REQUIREMENT

ALL CLASSES:

Pursuant to Government Code Section 1031(a), in order to be a peace officer, a person must be either a U.S. citizen or be a permanent resident alien who is eligible for and has applied for U.S. citizenship.

Denial of an application for citizenship shall result in termination of employment.

DRUG TESTING REQUIREMENT

ALL CLASSES:

Applicants for positions in this class are required to pass a drug screening test. Drug testing of current State employees who are applicants in an examination or who are transferring is permitted only if the person does not have current appointment to a class for which drug testing is a requirement.

CLASS HISTORY

<u>Class</u>	<u>Date Established</u>	<u>Date Revised</u>	<u>Title Changed</u>	
Fish and Game Warden Cadet		3/8/88	6/7/95	--
Fish and Game Warden, Department of Fish and Game		3/1/88	6/7/95	
Fish and Game Patrol Lieutenant (Specialist)		6/7/95		--
Fish and Game Patrol Lieutenant (Supervisor)		4/3/74	6/7/95	6/7/95
Fish and Game Patrol Captain		1931	6/7/95	3/23/56
Regional Patrol Chief, Department of Fish and Game		5/16/52	6/7/95	10/7/86 <u>Assistant Chief</u>

Board Calendar Date: October 5-6, 2004

TO: STATE PERSONNEL BOARD

FROM: Alfonso Ramirez Jr.
Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: Wayne Kurahara
Program Manager
Department of Personnel Administration

SUBJECT: Consolidation of the classes of Insurance Rate Analyst, Associate Insurance Rate Analyst, Senior Insurance Rate Analyst and Supervising Insurance Rate Analyst at the Department of Insurance into a series specification of Insurance Rate Analyst, Department of Insurance.

SUMMARY OF ISSUES:

The classes of Insurance Rate Analyst, Associate Insurance Rate Analyst, Senior Insurance Rate Analyst and Supervising Insurance Rate Analyst were established over fifty five years ago at the Department of Insurance (DOI) to perform regulatory work to ensure compliance with the California Insurance Code and other insurance laws related to insurance rating and underwriting issues. The classes were adopted as individual class specifications by the State Personnel Board (SPB). Specification revisions were approved by SPB in 1979.

In 1999, the Department of Personnel Administration conducted a classification study and determined that the Insurance Rate Analyst class specifications needed to be revised to more accurately reflect the duties being performed. In December 2001, DOI contracted with the SPB's TV&C office to conduct job analyses for the four Insurance Rate Analyst classifications. The job analyses identified the critical and essential tasks of the classifications, and the most important knowledge, skills and abilities required to perform those critical and essential job tasks. The job analyses results indicated that many of the tasks and knowledge, skills and abilities currently required for the classes were not reflected in the current specifications.

Based on these findings, DOI is proposing revisions to the specifications to update the scope, definition and knowledge and abilities to more accurately reflect the Insurance Rate Analyst classifications and the current duties being performed, and to broaden the minimum qualifications to improve DOI's recruitment efforts. The revised classes will be consolidated into a series specification called Insurance Rate Analyst, Department of Insurance.

CONSULTED WITH:

Rick Reyes, Department of Insurance
Elizabeth Garcia, Department of Insurance
Ron Landingham, California State Employees Association (CSEA)

Mitch Semer, Association of California State Supervisors (ACSS)
Dennis Batchelder, California Association of Managers and Supervisors (CAMS)
Jeffy Radeleff, Department of Personnel Administration

CLASSIFICATION CONSIDERATIONS:

See attached proposal.

RECOMMENDATIONS:

That the existing class specifications for the classes of Insurance Rate Analyst, Associate Insurance Rate Analyst, Senior Insurance Rate Analyst and Supervising and Supervising Insurance Rate Analyst consolidated into the proposed series specification of Insurance Rate Analyst, Department of Insurance as shown in the current calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

Instructions: Complete only if Concept (Part A) approved by DPA. Include headings (Background, Classification Considerations, etc.) if using additional paper. Only complete applicable questions (i.e., provide enough information to support the proposal). Respond to each of these questions and return with signed-off transmittal to your DPA and SPB Analysts.

BACKGROUND

1. Provide some historical perspective about the organizational setting of the subject class(es) and the needs that this request addresses.

The California Department of Insurance (CDI) is charged to protect California's insurance consumers and promote affordability and availability of insurance through a healthy insurance industry. The Department regulates the rating and underwriting activities of insurers admitted to do business in the State as well as licensed insurance agents, brokers, and rating organizations to ensure rate adequacy and the equitable treatment of California policyholders. To ensure regulatory compliance relating to rating and underwriting practices, the Department conducts evaluations and examinations of insurer's rate and form filings, and sales, marketing, pricing, and risk selection practices to ensure that operations are consistent with the requirements of the Insurance Code. The staff that conduct these analyses and examinations are Insurance Rate Analysts, either in the Rate Regulation Branch or the Market Conduct Division of CDI.

The Department has conducted rating and underwriting examinations of insurer practices since the late 1940's, when the Insurance Rate Analyst classifications were established. The Department is legally mandated to examine insurer practices and to investigate and respond to members of the public concerning alleged misconduct by insurers or producers. The Department performs market conduct examinations on-site at insurer locations to review overall underwriting and rating practices to evaluate compliance with insurance laws, and identify and follow-up on trends in non-compliant activities. The Market Conduct Division protects insurance consumers against unfair practices and excessive or unfairly discriminatory rates. To accomplish this goal, the Market Conduct Division is structured into two program areas; claims, and rating and underwriting. The two Field Rating and Underwriting Bureaus are responsible for the latter subject area. Both Bureaus are staffed by Insurance Rate Analysts.

The passage of Proposition 103 in November 1988 placed additional responsibilities on the Department and made major reforms on business conducted in the State by the insurance industry. Prop 103 required CDI to implement and monitor these reforms, and to regulate the rates charged by licensed insurers on a prior approval basis. This resulted in the development of the Rate Regulation Division (later Branch) and Rate Filing bureaus within the Department to collect and review rate filings. This Division is staffed by Insurance Rate Analysts. There are five Rate Filing bureaus and another Rate Specialist Bureau in Rate Regulation.

MARKET CONDUCT DIVISION

Field Rating & Underwriting Bureaus (FRUB – SF/LA and SAC/LA)

The two Field Rating & Underwriting Bureaus perform periodic on-site regulatory examinations of insurers to determine compliance with the insurance laws of California. All lines of business are examined, including non-103 lines such as life, health, and workers' compensation. Exams are

scheduled based on complaint trend analysis, industry issues, financial solvency considerations, past performance, or the regular 3-5 year exam schedule. Serious violations or pervasive errors receive follow-up exams or immediate referral to the Legal Division. All non-clerical staff are Insurance Rate Analysts (at varying class levels).

RATE REGULATION BRANCH

Rate Filing Bureaus (LA1, LA2, SF1, SF2)

These Bureaus conduct prior approval rate analysis for most property and casualty lines of business. The Insurance Rate Analyst staff review rates, rating plans, forms, and underwriting criteria to evaluate rate adequacy under post Prop 103 regulatory standards. These standards, which have evolved from the passage of Proposition 103 and subsequent court decisions, and finally the promulgation of CDI Regulations, are quite complex and occasionally require the application or understanding of higher mathematics. All non-clerical staff are Insurance Rate Analysts (at varying class levels).

Rate Filing Bureau – LA3

This Rate Filing Bureau evaluates rate filings for unusual Prop 103 lines such as surety and aircraft, as well as non-Prop 103 filings for workers' compensation insurance. The analysis is very similar to that of the other rate filing units, although workers' compensation filings are not subject to prior rate approval. All non-clerical staff are Insurance Rate Analysts (at varying class levels).

Rate Specialist Bureau

This Bureau conducts statistical analyses of the rate filing process, Rollback calculations, Workers' Compensation classification and rating issues, and rating trends in the insurance industry. Staff evaluate the impact of new laws, practices, economic conditions on insurance ratemaking factors and issue reports on the results of their analyses. Studies are limited to Proposition 103 lines of business and workers' compensation. All non-clerical staff are Insurance Rate Analysts (at varying class levels).

CLASSIFICATION CONSIDERATIONS

2. What classification(s) does the subject class(es) report to?

In the Market Conduct Division, the Supervising Insurance Rate Analysts report to the Market Conduct Division Chief (Division Chief, Department of Insurance, CEA). Senior Insurance Rate Analysts, Associate Insurance Rate Analysts, and Insurance Rate Analysts report to the appropriate Supervising Insurance Rate Analyst.

In the Rate Regulation Branch, the Supervising Insurance Rate Analysts report to the Rate Regulation Branch Deputy Commissioner. Senior Insurance Rate Analysts, Associate Insurance Rate Analysts, and Insurance Rate Analysts report to the Supervising Insurance Rate Analyst.

All Supervising Insurance Rate Analysts act as Bureau Chiefs for their respective units.

3. Will the subject class(es) supervise? If so, what class(es)?

The Supervising Insurance Rate Analysts act as Bureau Chief and Supervisor for the class series. Each Supervising Insurance Rate Analyst is the sole supervisor for all staff in his or her bureau, including clerical staff, Staff Services Analysts, and Associate Governmental Program Analysts, if any. None of the other Insurance Rate Analyst class levels perform supervisory duties.

4. What are the specific duties of the subject class(es)?

To protect the California's insurance policyholders and other parties involved in insurance transactions against unfair practices and excessive or discriminatory rates. The subject classes are concerned with regulatory analyses to ensure compliance with California Insurance Code and other insurance laws as related to insurance rating and underwriting. This includes the legal and technical insurance review of rate and form filings, and sales, marketing, pricing, and risk selection practices to ensure that insurer operations are consistent with the requirements of the Insurance Code. Through data trend analysis, rate filing reviews, and on-site examinations, the subject classes are responsible for investigating, identifying violations, and either negotiating acceptable resolution or taking first level enforcement action to resolve issues or violations of insurance law.

5. What is the decision-making responsibility of the subject class(es)?

In all cases, the degree of independence exercised, and the complexity of the issues under review and the depth of analysis, increases at each level in the series. Due to the nature of audit work, the field rate examiner incumbents must exercise a great amount of independent judgment and decision making responsibility in the development and resolution of examination findings at all levels in the class. In the Rate Filing and Rate Specialist units, incumbents exercise increasing individual responsibility for developing analyses or recommendations regarding rate adequacy at each successive level in the class. In the Rate Filing bureaus, the Senior analyst makes the final decision on about half of all filings received by the Branch. Only a small percentage of filings (high profile cases) are reviewed past the Supervising Insurance Rate Analyst level. In all units, the Senior analyst acts as team leader, training and directing the activities of subordinate staff and performing the most difficult and complex analyses. The Associate Insurance Rate Analyst works independently on standard examinations or rate filings. The entry level Insurance Rate Analyst performs work assigned by the Senior or Supervising Insurance Rate Analyst, and under the direct supervision of the Supervising Insurance Rate Analyst. The Supervising Insurance Rate Analyst directs all activities of the bureau and supervises the entire staff.

6. What would be the consequence of error if incumbents in the subject class(es) did not perform their jobs? (Program problems, lost funding, public safety compromised, etc.)

Improper and inadequate action on the part of incumbents would be detrimental to the Department's mission; could result in a loss of credibility with California insurance consumers; increased legislative scrutiny; create unfavorable media exposure; insurer solvency could be compromised; and consumers could suffer serious economic loss, excessive or improper rate/premium charges, and possible termination or refusal of insurance policies and bonds. This could have a detrimental impact on all individuals and businesses in California as well as on the economy as a whole.

7. What are the analytical requirements expected of incumbents in the subject class(es)?

Incumbents perform analytical and technical work to identify compliance with, and violations of, insurance laws by insurance providers regarding rating and underwriting practices. Insurance Rate Analyst staff initiate and accomplish corrective or enforcement actions based on these analyses to

ensure effective and efficient regulatory operations of CDI. Incumbents must be familiar with insurance industry terminology, methodology, and practices, as well as insurance statutes and regulations, and be able to synthesize these two bodies of knowledge into a single regulatory analysis. They must also have a sufficient grasp of actuarial rate making practices to identify and evaluate the relevant assumptions and choices made by insurers, and present informed recommendations to CDI management.

8. What are the purpose, type, and level of contacts incumbents in the subject class(es) make?

Insurance Rate Analysts, at all levels and in all units, interact with insurance company representatives via phone, written correspondence, or in-person contacts. These contacts are for the purpose of communicating Department requirements and expectations, gathering information, informing insurers of analyses results and non-compliant activities, and remediating problem items. Staff in each bureau also interact daily with other bureau staff to communicate findings, plan activities, and give or receive advice or instructions. The Supervising Insurance Rate Analysts communicate with Department management in many branches to accomplish bureau goals, communicate production, and effectively manage insurance resources.

Field Rating and Underwriting Bureau staff at all levels conduct much of their work on-site in insurer offices, interacting continually with insurance company representatives, usually regulatory compliance directors, underwriting managers, executives, and corporate counsel. These interactions include scheduling meetings with the company to identify Department requirements, expectations, and findings, and to evaluate and approve the insurer's remedial actions. Field Rating and Underwriting Bureau staff, at all levels, also interact regularly with staff throughout the Department, especially Department counsel regarding legal actions based on Field Rating and Underwriting Bureau exam findings and Rate Filing staff regarding new and revised filings initiated through exam findings. Field Rating and Underwriting Bureau staff also interact regularly with members of related rating and underwriting organizations such as the California Earthquake Authority, the Workers' Compensation Insurance Rating Bureau, and the California Automobile Assigned Risk Plan.

In the Rate Regulation Branch units, staff at all levels communicate, primarily by mail, phone, e-mail, and more recently through the System for Electronic Rate and Form Filing (SERFF), with insurer rate filing and actuarial staff to resolve issues relating to errors and omissions in rate filings submitted to the Department. Associate Insurance Rate Analysts will initiate negotiations of proposed insurer rate increases, based on the application of CDI Regulations and "generic standards", although such discussions will also typically involve the Senior and/or Supervising Insurance Rate Analyst. Rate Regulation Branch staff, at all levels, also interact regularly with staff throughout the Department, including Department counsel and the Consumer Services and Market Conduct Branch staff.

NEED FOR NEW CLASS (if necessary)

9. For New classes only: What existing classes were considered and why were they not appropriate?

N/A

MINIMUM QUALIFICATIONS

10. What are the proposed or current minimum qualifications of the subject class(es), and why are they appropriate? (Include inside and outside experience patterns.)

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCEEither I

Education: Equivalent to graduation from college, preferably with major in business, economics, English, finance, insurance, mathematics, political science, statistics, accounting, or other related field. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

Or II

Experience: One year of experience in one or a combination of the following fields:

1. In a responsible position in the preparation, analysis, application, or review of insurance rates and rating plans in a governmental agency exercising supervision over insurance rates, or in a rating or other insurance organization establishing or analyzing rates; or
2. In a responsible position underwriting risks and establishing or applying rates or rating plans for a licensed insurance company.

and

Education: The equivalent of 16 semester units of insurance or actuarial courses given by a collegiate-grade institution or the Insurance Institute of America, the American Institute of Property and Liability Insurance, the Casualty Actuary Society or other organizations generally accorded similar standing by the insurance industry. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

ASSOCIATE INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCEEither I

Experience: One year of experience in the California state service performing the duties of an Insurance Rate Analyst, Range C.

Or II

Experience: Three years of experience in one or a combination of the following fields:

1. In a responsible position in the preparation, analysis, application, or review of insurance rates and rating plans in a governmental agency exercising supervision over insurance rates, or in a rating or other insurance organization establishing or analyzing rates; or
2. In a responsible position underwriting insurance risks, or, analyzing, or preparing rates or rate filings for a licensed insurance company.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner,

Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]

and

Education: Equivalent to graduation from college, preferably with major in business, economics, English, finance, insurance, mathematics, political science, statistics, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

SENIOR INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Either I

One year of experience in California state service performing the duties of an Associate Insurance Rate Analyst.

Or II

Experience: Four years of varied experience in one or a combination of the following fields:

1. In a responsible position preparing, analyzing, applying, or reviewing insurance rates and rating plans in a governmental agency which exercises supervision over insurance rates or in a rating or other insurance organization which establishes rates, or
2. In a responsible position underwriting insurance risks, or establishing or analyzing, or preparing rates or rate filings for a licensed insurance company, or
3. As a rate analyst or casualty actuary in general consulting practice.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]

and

Education: Equivalent to graduation from college preferably with major in business, economics, English, finance, insurance, mathematics, political science, statistics, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

SUPERVISING INSURANCE RATE ANALYST

Either I

One year of experience in the California state service performing the duties of a Senior Insurance Rate Analyst or three years as an Associate Insurance Rate Analyst.

Or II

Experience: Five years of varied experience in one or a combination of the following fields:

1. In a journey or lead position preparing, analyzing, applying, or reviewing insurance rates and rating plans in a governmental agency which exercises supervision over insurance rates or in a rating or other insurance organization which establishes rates. or
2. In a journey or lead position underwriting insurance risks, or establishing, analyzing, or preparing rates or rate filings in a licensed insurance company. or
3. As a rate analyst or casualty actuary in general consulting practice.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]
and

Education: Either

1. Equivalent to graduation from college preferably with specialization in business, economics, English, finance, insurance, mathematics, political science, statistics, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.) or
2. Possession of an associateship or fellowship in the Casualty Actuarial Society.

The current minimum qualifications are too restrictive and are out-dated. They are not appropriate for the Insurance Rate Analyst (IRA) classifications, and must be revised, as proposed. Particularly problematic are the unnecessary restrictions on qualifying education and experience.

The proposed minimum qualifications modernize the specification(s) and broaden the experience and education requirements to more appropriately reflect the knowledge, skills, and abilities needed in Insurance Rate Analyst staff.

In addition, it is proposed that the minimum qualifications be broadened to allow the substitution of a professional designation or graduate degree for one year of required work experience, up to a maximum of two years. The specific proposed language to be added to the experience requirements of the Associate IRA, Senior IRA and Supervising IRA levels of the specifications follow:

(Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of qualifying experience, to a maximum of two years. Qualifying designations and degrees are: (1) a Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar

professional designation from the Insurance Institute of America or other organization accorded similar standing
 by the insurance industry, or (2) a graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.)

The addition of this criterion into the minimum qualifications for each level of the IRA series, except entry, provides another path through which a candidate can qualify. Both the professional designations and the advanced degrees recommended for inclusion in the job specification require a combination of coursework and experience which increase the candidate's knowledge, skills and abilities to perform the necessary functions of an IRA. Candidates with these backgrounds will have practical experience in independently accomplishing advanced analytical reasoning, research, reading comprehension, decision making, and communication.

The required courses for the Chartered Property Casualty Underwriter (CPCU), Accredited Insurance Examiner and Certified Insurance Examiner (AIE and CIE) national designations have been reviewed and recommended by the American Council on Education (ACE) for college credit. The quality of the coursework for either the professional designation or the advanced college degree is standardized and verified. The courses for the CPCU, AIE and CIE designations have been developed by the Insurance Institute of America (IIA) or LOMA. These courses have been subject to academic scrutiny by ACE, utilizing a faculty team to make college credit recommendations based on course content and rigor and assigning each course a National Program of Non-Collegiate Sponsored Instruction (PONSI) score. In addition to the course requirements, each professional designation also requires a minimum period of experience working in insurance. For the AIE and CIE designations, this insurance experience must be with a regulatory agency. The experience gained earning advanced professional training should be recognized and prized in the minimum qualifications for this classification. A review of the work required for each recognized designation and degree validates that this work meets the quality, difficulty, and relevance necessary to be considered under the IRA classification series.

At the entry level, the IRA specification already recognizes actuarial or insurance based coursework (from the Insurance Institute of America and other institutions) as accepted education. Sixteen units of semester course credits ($\frac{1}{2}$ year) combined with a year of job experience, will qualify a candidate without a college degree for the entry level. The experience gained from earning AIE, CIE, and CPCU designations and professional degrees to be added to the AIRA and above levels of the specification will each require study at least equal to the level of the current requirements recognized in the current IRA series specification. These designations and degrees also require the candidate to experience research, analysis, and communication in the environment and context of insurance, business, or law, all of which are directly related to the work of the IRA.

The work product of Insurance Rate Analysts in both the Field Rating & Underwriting bureaus and Rate Regulation bureaus is the subject of scrutiny by the National Association of Insurance Commissioners (NAIC), the national organization which promotes standards and uniformity in insurance department operations. At present, financial examiners (Insurance Examiner series) are required to maintain specified professional designations in order for California's reports of examination to be recognized nationally (otherwise, other states would have to repeat California's analyses, at tremendous additional expense). The NAIC is presently considering also requiring accreditation for each state's market conduct examiners (including Field Rating & Underwriting Bureau IRA series staff). The Accredited Insurance Examiner and Certified Insurance Examiner (AIE and CIE) designations may soon be required by the NAIC in order for California market

conduct examinations to be nationally recognized, and for the state to maintain an accredited market conduct program.

By expanding the minimum qualifications of the IRA series specification to benefit candidates who already have earned these designations, California will be better prepared if this change in national standards does occur. Potential applicants with these designations will have an increased incentive to apply. In addition, each designation takes several years to complete, making each applicant with a professional designation several years ahead of incumbents and candidates without designation.

By also broadening the specification to add an element to the experience category in the minimum qualifications for the completion of advanced training, the Department will attract a candidate pool better able to perform high level functions in the class series, and will place these persons appropriately in the series. The Field Rating and Underwriting Bureaus have had serious difficulty hiring and retaining qualified Insurance Rate Analyst staff for many years. The ability to bring in new staff at a level within the series that recognizes the candidate's increased ability to independently perform difficult technical analyses would address a deficiency in the current minimum qualifications.

All of these changes will improve the ability of the Department to hire qualified staff, retain staff, and promote qualified candidates. The new series specification will also eliminate ambiguous or out-dated requirements and clarify the minimum qualifications for each level in the series.

PROBATIONARY PERIOD

☐ Six Months

11. If a probationary period other than six months is proposed, what is the rationale?

There are no proposed changes to the probationary periods.

STATUS CONSIDERATIONS (see additional information in Part D).

12. What is the impact on current incumbents?

Some current staff may become eligible to take promotional examinations earlier than planned due to qualification of their education and/or experience under the proposed revisions to the minimum qualifications.

13. Will current employees move by examination, transfer, reallocation, split-off, etc.? Explain rationale.

Not applicable.

CONSULTED WITH:

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

SPB – Hillary Tuttle and Karl Jaeger , Test Validation and Construction Unit and selected departmental employees in the classes of Insurance Rate Analyst, Associate Insurance Rate Analyst, Senior Insurance Rate Analyst, and Supervising Insurance Rate Analyst.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Series Specification

(Established _____)

SCOPE

This consolidated series specification describes four Insurance Rate Analyst, Department of Insurance, classifications used for positions with professional or supervisory responsibilities for the market conduct and rate regulation programs at the Department of Insurance.

<u>Schem</u>	<u>Class</u>	
<u>Code</u>	<u>Code</u>	<u>Class</u>
JC40	4441	Insurance Rate Analyst, Department of Insurance
JC38	4438	Associate Insurance Rate Analyst, Department of Insurance
JC34	4435	Senior Insurance Rate Analyst, Department of Insurance
JC32	4432	Supervising Insurance Rate Analyst, Department of Insurance

DEFINITION OF SERIES

The Insurance Rate Analyst, Department of Insurance, series describes classes concerned with regulatory work to ensure compliance with the California Insurance Code and other insurance laws as related to insurance rating and underwriting issues. This series provides for four levels of technical, analytical, professional, and supervisory skills required to ensure the effective and efficient regulatory operation of the Department of Insurance. This includes the analysis, evaluation and determination regarding insurance rates, rating plans, classifications, and underwriting practices of insurance companies, rating and advisory organizations and other groups and associations engaged in insurance ratemaking activities. Incumbents perform technical and analytical work to identify adherence to insurance laws by insurance providers regarding rating and underwriting; conduct examinations of the application and interpretation of rates, policy forms, rating guidelines, and underwriting practices to determine if insurers are fulfilling their legal obligations, evaluate rate filing applications and supporting documentation and analyses to determine rate adequacy and compliance with rating and underwriting laws; and initiate corrective or enforcement actions for non-compliant insurance organizations.

ENTRY LEVEL

Entry into this series is typically from comparable professional levels outside State service, from college recruitment sources, or a related State classification of a lower level.

FACTORS AFFECTING POSITION ALLOCATION

The level, variety, and complexity of work; independence of action; level and impact of decision making; degree of supervision exercised and received; the degree of independence and judgment required in making determinations and the consequence of error; type and frequency of contact with others; and supervisory and management responsibilities.

DEFINITION OF LEVELS

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

This is the entry level and first working level of the series. The class of Insurance Rate Analyst is a recruiting and development class for work in the classification series. Incumbents are assigned duties and responsibilities commensurate with their background and training. Under supervision, incumbents study and apply the principles and techniques of insurance ratemaking; assist in the examination of rates, rating plans and rating systems of insurance companies, advisory organizations and other rating organizations; ~~prepares the less difficult analysis of data on which rates are based including such factors as loss experience, risks, and expense provisions;~~ verify the correct application of adopted rates, rating plans and rating systems to individual risks; prepare the basic analysis of data on which rates are based including such factors as loss experience, risks, and expense provisions; evaluate the ratemaking formula and procedures and weights of the various factors used in the establishment of rates; gather information on economic and social conditions affecting insurance rate data; assist in the investigations of complaints regarding rates which indicate a possible general practice in violation of the law; review policy forms and endorsements for compliance with the law; and prepare correspondence, reports, and legal referrals.

Positions are permanently allocated to this class when the major portions of the functions inherent in the position do not include the most responsible, varied and difficult assignments found in the Insurance Rate Analyst series.

ASSOCIATE INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

This is the full-journey level of the series. Under direction, incumbents prepare analyses, evaluations and determinations regarding the insurance rates, rating plans, classifications, and underwriting practices of insurance companies, rating and advisory organizations, and other groups or entities engaged in insurance rating activities; lead or participate in the examination of rates, rating plans, and rating systems underwriting practices of insurance companies, rating organizations, and other groups engaged in rating activities; ~~analyzes such factors in insurance rate data as loss experience, judgment factors, and risks and classifications and evaluates their effect upon the rating structure;~~ prepares reports as to the applicability of such factors and the considerations by which they affect insurance rates; analyze and determine compliance regarding insurance ratemaking and rate application data

such as premium and loss experience, investment income, expenses, trending data, and rating factors and methodology; verify the compliant application of adopted rates, rating plans and rating systems to individual risks by insurance companies through the analysis of individual risk characteristics and classifications, loss exposure, underwriting determinations, policy rating, subjective risk analysis, judgment rate factors, and policy notices and disclosures; review policy forms and endorsements for compliance with the law; ~~participates in the investigation of~~ investigate complaints regarding rates rating and underwriting which indicate a general practice in violation of the law; and prepare correspondence, reports, ~~on whether rates meet legal requirements; and dictates correspondence~~ and legal referrals to address identified non-compliant activities.

SENIOR INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

This is the advanced journey and team leader level of the series. Under direction, incumbents act as technical expert and perform complex analyses, evaluations and determinations regarding the insurance rates, rating plans, classifications, and underwriting practices; ~~conducts~~ lead examination and analysis of the rating activities of ~~and~~ underwriting methodologies and practices of the largest, most complex, or troubled insurance companies, rating organizations, ~~advisory organizations, or insurance companies~~ and other entities engaged in insurance ratemaking activities; direct and train a small staff in this work; review data on which rates are based, evaluate this data, and analyze the formulae and rating plan or system used in formulation of rates; review policy forms and endorsements for compliance with the law; make investigations of complaints regarding insurance rates and rating practices; evaluate factors involved in the formulation of rates, such as ~~expense provisions, risks, premium, loss, and expense experience or projections,~~ risk characteristics, and judgment factors; and prepare correspondence, reports ~~including on~~ findings, conclusions, and recommendations, and ~~dictates correspondence~~ legal referrals to resolve issues identified with non-compliant insurers.

SUPERVISING INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

This is the supervisory and highest level in the series. Under direction, incumbents serve in charge of a department bureau responsible for the analysis of the adequacy and compliance of rates, rating plans, and underwriting practices of insurers, rating organizations, and other groups and associations engaged in rating activities. Incumbents perform all supervisory and management duties regarding bureau staff and resources; plan and assign the work; and direct a staff engaged in ~~review and the~~ evaluation of data upon which insurance rates are based and ~~analyses the analysis~~ of ratemaking procedures based on ~~this~~ these data; analyze and direct the analysis of the rates, rating plans, and rating systems of various rating organizations or insurance companies; ~~reviews, analyzes, and prepares reports on various rating organizations applying for licenses and makes recommendations on granting licenses;~~ analyze reports and rates unit findings to determine if rates and underwriting practices are in conformance with legal requirements; develop, implement, and evaluate budget and all administrative requirements of unit; meet with insurer and consumer representatives

regarding bureau activities and findings; supervise investigations of intra-department, consumer, legislative, and industry complaints regarding insurance rates and rating activities; write correspondence and reports of unit findings and activities; participate in hearings on rates rating and underwriting and act as a technical consultant to the insurance commissioner at such hearings; ~~dictates correspondence~~ and evaluate and make recommendations on the licensing of rating organizations.

MINIMUM QUALIFICATIONS

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Either I

Education: Equivalent to graduation from college, preferably with major in business, economics, English, finance, insurance, mathematics, political science, statistics, accounting, or other related field. (Registration as a senior in a recognized institution will admit applicants to the examination, but they must produce evidence of graduation or its equivalent before they can be considered eligible for appointment.)

Or II

Experience: One year of experience in one or a combination of the following fields:

1. In a responsible position in the preparation, analysis, ~~and~~ application, or review of insurance rates and ~~rate-making~~ rating plans in a governmental agency exercising supervision over insurance rates, or in a rating ~~bureau~~ or other insurance organization establishing or analyzing rates. or
2. In a responsible position underwriting risks and establishing or applying rates or rating plans ~~in a fire or casualty~~ for a licensed insurance company.

and

Education: The equivalent of 16 semester units of insurance or actuarial courses given by a collegiate-grade ~~residence~~ institution or the Insurance Institute of America, the American Institute of Property and Liability Insurance, the Casualty Actuary Society or other organizations generally accorded similar standing by the insurance industry. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

ASSOCIATE INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Either I

Experience: One year of experience in the California state service performing the duties of an Insurance Rate Analyst, Department of Insurance, Range C.

Or II

Experience: Three years of experience in one or a combination of the following fields:

1. In a responsible position in the preparation, analysis, application, or review of insurance rates and rating plans in a governmental agency exercising supervision over insurance rates, or in a rating or other insurance organization establishing or analyzing rates. or

2. In a responsible position ~~in establishing or applying rates or rating plans in a fire or casualty insurance company with a premium volume exceeding one million dollars annually~~ underwriting insurance risks, or analyzing or preparing rates or rate filings for a licensed insurance company.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]

and

Education: Equivalent to graduation from college, preferably with specialization major in business, economics, English, finance, insurance, mathematics, political science, statistics, engineering, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

SENIOR INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Either I

Experience: One year of experience in California state service performing the duties of an Associate Insurance Rate Analyst, Department of Insurance.

Or II

Experience: Four years of varied experience in one or a combination of the following fields:

4. In a responsible position ~~in~~ preparing, analyzing, applying, or reviewing insurance rates and rating plans in a governmental agency ~~exercising which exercises~~ supervision over insurance rates or in a rating or other insurance organization ~~establishing which establishes~~ rates. or
5. In a responsible position ~~supervising establishment or application of rates or rating plans in a fire or casualty insurance company with a premium volume exceeding one million dollars annually~~ underwriting insurance risks, or establishing, analyzing, or preparing rates or rate filings for a licensed insurance company. or
3. As a rate analyst or casualty actuary in general consulting practice.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]

and

Education: Equivalent to graduation from college preferably with specialization major in business, economics, English, finance, insurance, mathematics, political science, statistics, engineering, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.)

SUPERVISING INSURANCE RATE ANALYST

Either I

Experience: One year of experience in the California state service performing the duties of a Senior Insurance Rate Analyst, Department of Insurance, or three years as an Associate Insurance Rate Analyst, Department of Insurance.

Or II

Experience: Five years of varied experience in one or a combination of the following fields:

1. In a responsible journey or lead position in preparing, analyzing, applying, or reviewing insurance rates and rating plans in a governmental agency exercising which exercises supervision over insurance rates or in a rating or other insurance organization establishing which establishes rates. or
2. In a responsible journey or lead position supervising establishment or application of rates or rating plans in a fire or casualty insurance company with a premium volume exceeding one million dollars annually underwriting insurance risks, or establishing, analyzing, or preparing rates or rate filings in a licensed insurance company. or
6. As a rate analyst or casualty actuary in general consulting practice.

[Achievement of a qualifying professional designation or graduate degree each can be substituted for one year of the required experience, up to a maximum of two years. Qualifying designations and degrees are: (1) A Chartered Property Casualty Underwriter, Certified Insurance Examiner, Accredited Insurance Examiner, or other similar professional designation from the Insurance Institute of America or other organization accorded similar standing by the insurance industry, or (2) A graduate level degree from a collegiate-grade institution in insurance, law, statistics, actuarial science, business or public administration, or other related field.]

and

Education: Either

1. Equivalent to graduation from college preferably with specialization in business, economics, English, finance, insurance, mathematics, political science, statistics, engineering, accounting, or other related field. (Additional qualifying experience may be substituted for the required education on a year-for-year basis.) or
2. Possession of an associateship or fellowship in the Casualty Actuarial Society.

KNOWLEDGE AND ABILITIES

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Knowledge of: Research techniques and methods, basic personal and business finance principles, and professional writing protocols.

Ability to: Gather and analyze data, reason logically, draw valid conclusions and make appropriate recommendations; read comprehensively, participate effectively in conferences and interviews; ~~spea~~ communicate effectively and write in a clear, concise, ~~form~~ and professional manner; establish and maintain effective working relationships and work in a team environment; apply knowledge of computer applications including word-processing, electronic mail, internet, and spreadsheet software; organize, prioritize, and accomplish multiple tasks concurrently; be flexible and responsive to changing priorities and assignments.

ASSOCIATE INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and principles of insurance; principles of risk analysis, rating plans, ratemaking, rating systems, and classification; and insurance company practices and policies in regard to ~~accounting, statistical records, and rating inspections~~ ratemaking, income and expense accounting, underwriting, rating, policy maintenance, and recordkeeping.

Ability to: All of the above, and analyze rating plans and rating systems; analyze situations accurately and adopt an effective course of action; write and speak effectively; develop and maintain cooperative professional relationships with those contacted in the course of the work; participate in Department projects involving members of other units or organizations and work in a team environment; and work independently.

SENIOR INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and advanced principles of insurance; complex risk analysis, rating plans, rating systems, and classification; ~~insurance company practices and policies in regard to accounting, statistical records, and rating inspections~~ and insurance law.

Ability to: All of the above, and make critical analyses of rates, rating plans, and rating systems and report findings competently; work independently or as leader in a team environment; supervise the work of others; ~~develop and maintain cooperative relationships with those contacted in the course of the work~~; analyze situations accurately and adopt propose and enact an effective course of action; ~~write and speak effectively~~; employ negotiation skills; effectively manage changing priorities and assignments; lead or participate in Department projects involving members of other units or organizations; and train staff.

SUPERVISING INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Knowledge of: All of the above, and principles of insurance; principles of risk analysis ~~rating plans, rate making, rating systems, and classification~~; ~~insurance company practices and policies in regard to accounting, statistical records, and rating inspections~~; principles of effective supervision; a manager's

responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: ~~All of the above, and effectively~~ supervise the work of others; ~~identify and address needs for staff development; efficiently manage bureau staff, financial, and equipment resources;~~ make critical analyses of rating plans and rating systems; ~~negotiate positively and diplomatically;~~ ~~organize and maintain bureau records;~~ develop and maintain cooperative business relationships ~~with those contacted in the course of work;~~ ~~analyze situations accurately and adopt an effective course of action;~~ ~~write and speak effectively;~~ and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTICS

ALL LEVELS:

Willingness to travel and work away from the headquarters office as needed; demonstrated capacity to interact in a professional and diplomatic manner.

INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Willingness as a trainee to do routine or detailed work in order to learn the practical application of insurance principles and practices; demonstrated capacity for development as evidenced by work history, academic attainment, participation in school or other activities, or well-defined occupational or a vocational interests; ~~tact or keenness of observance and neat personal appearance.~~

SUPERVISING INSURANCE RATE ANALYST, DEPARTMENT OF INSURANCE

Demonstrated supervisory and management ability, ~~and tact.~~

CLASS HISTORY

Title	Date	Date	
	<u>Established</u> <u>Changed</u>	<u>Revised</u>	
Insurance Rate Analyst, Department of Insurance	11/7/79	--	--
Associate Insurance Rate Analyst, Department of Insurance	11/7/47 11/7/79	11/7/79	
Senior Insurance Rate Analyst, Department of Insurance	11/7/47 11/7/79	11/7/79	
Supervising Insurance Rate Analyst, Department of Insurance	11/7/47	11/7/49	--

(October 5+6, 2004)

TO: STATE PERSONNEL BOARD

FROM: Alfonso Ramirez Jr.
Staff Personnel Program Analyst
Department of Personnel Administration

REVIEWED BY: Wayne Kurahara
Program Manager
Department of Personnel Administration

SUBJECT: The Department of Industrial Relations (DIR) is proposing minor specification revisions to the class of Presiding Workers' Compensation Judge.

SUMMARY OF ISSUES:

The DIR is proposing specification revisions to the Definition and Typical Tasks of the class of Presiding Workers' Compensation Judge to remove the words larger area offices and add the words district offices. The current class specification only allows for the allocation of Presiding Workers' Compensation Judges in the larger area offices of the Workers' Compensation Appeals Board. This has become problematic in that there are 6 district offices of the Workers' Compensation Appeals Board that have no Presiding Workers' Compensation Judge, and therefore, there is no designated supervisor or manager on the premises. This leaves no one to take responsibility for the traditional tasks normally performed by a supervisor or manager in any work setting. In addition, the knowledge and abilities are being updated to reflect more current language.

Because there is no designated supervisor or manager in these area offices, the duty of performing supervision of the staff falls on one of two Regional Manager, Claims Adjudication staff members. These two Regional Managers are located in San Francisco and Van Nuys, respectively. When a problem arises in one of the smaller area offices of the Workers' Compensation Appeals Board, the Regional Manager from either San Francisco or Van Nuys must travel to that office to address the matter. This is causing organizational problems in that the two Regional Managers are not always available to go to these offices to address the problems. For example, if a problem occurs in the Eureka office, it is at least a

one to two day trip to get there and back, plus the time it takes to address the problem. This is not a practical alternative to not having a Presiding Workers' Compensation Judge on site in this and the other five offices.

The adoption of the proposed specification revisions to the class specification of Presiding Workers' Compensation Judge will resolve these management problems for the Division of Workers' Compensation.

CONSULTED WITH:

Walt Harris, Department of Industrial Relations
Raquel Silva, California Attorneys, Administrative Law Judges and
Hearing Officers (CASE)
Frank Marr, Department of Personnel Administration (DPA)

DPA has notified CASE in writing of this proposal.

CLASSIFICATION CONSIDERATIONS:

See attached proposal

RECOMMENDATIONS:

That the proposed revised specification for the class of Presiding Workers' Compensation Judge as shown in this calendar be adopted.

B. CLASSIFICATION CONSIDERATIONS

1. Provide some historical perspective about the organizational setting of the subject class and the needs that this request addresses.

The Department of Industrial Relations (DIR) was established to improve working conditions for California's 16, 000,000 wage earners. Within the DIR are several distinct Divisions and Programs. One of the major Divisions of DIR is the Division of Workers' Compensation (DWC). The DWC has 24 District Offices throughout the state. These Offices monitor administration of workers' compensation insurance claims, attempt to minimize disputes, and provide administrative and judicial services to assist in resolving disputes that arise in connection with claims for workers' compensation benefits. When such disputes between injured workers and employers cannot be resolved, they often end up within the quasi-court system of the DWC for resolution before a Workers' Compensation Judge. There are 200,000 claims filed and/or litigated each year to resolve disputes of injured workers and their employers. Each district office staff has from one to as many as 21 Judge Teams. A Judge Team consists of a Workers' Compensation Judge, a Senior Legal Typist, an Office Assistant (Typing), and 60% of a Hearing Reporter. The Workers' Compensation Judge hears the cases and decides issues raised on the merits during the trial. The Senior Legal Typist serves as a Secretary to the Workers' Compensation Judge. The Office Assistant (Typing) serves as a receptionist and clerical support person for the team. The half-time Hearing Reporter takes verbatim testimony of everything that is said in a Workers' Compensation hearing. Although each Hearing Reporter serves a Judge Team on a half-time basis, it should be noted that all Hearing Reporters are full-time employees of DWC.

If the DWC is to provide the best and most efficient service to the injured workers' of California, they must have a competent staff of professionals that can furnish the guidance, leadership and direction to subordinate staff. This has led to the Department of Industrial Relations' request to revise the class specification for the class of Presiding Workers' Compensation Judge. Current language in the specification for this class defines its use as follows: "Under general direction, to supervise the staff and be responsible for the operation of one of the larger area offices of the Workers' Compensation Appeals Board..." Based on this language, the DWC has been prevented from allocating Presiding Workers' Compensation Judges in some of the smaller District Offices, and it is this problem this proposed specification revisions seeks to correct.

2. What classification(s) does the subject class report to?

The Presiding Workers' Compensation Judge currently reports to a Regional Manager, Claims Adjudication. The Regional Manager, Claims

Adjudication (working title Associate Chief Judge) reports to the Chief Judge, Division of Workers' Compensation, who in turn reports to the exempt Administrative Director, Division of Workers' Compensation.

3. Will the subject class supervise? If so, what classes?

Yes, the class of Presiding Workers' Compensation Judge is designated as "supervisory" and the class exercises supervision over lower level classes that make-up the Judge Team(s). These classes include the Workers' Compensation Judge, Senior Legal Typist, Office Assistant (Typing), Hearing Reporters, Information and Assistance Officers, Permanent Disability Evaluators, and Rehabilitation Consultants.

4. What are the specific duties of the subject class?

Presiding Workers' Compensation Judges exercise supervisory responsibility over the judicial staff in one of the larger District Offices of the Division of Workers' Compensation. In discharging these duties, incumbents train and evaluate the performance of subordinate staff, issue orders for writs of attachment, review and analyze petitions, applications and other requests for proceedings and assign them for hearing; establish and maintain calendars, and confer with Regional Managers, Claims Adjudication and the Chief Judge on policy matters. The Presiding Workers' Compensation Judge monitors the decisions of Workers' Compensation Judges to ensure compliance with appropriate rules of policy and procedure, and timeliness.

5. What is the decision-making responsibility of the subject class?

The Presiding Workers' Compensation Judge will provide both administrative and technical leadership to subordinates at the Workers' Compensation Judge level and below. With respect to administrative tasks, the Presiding Workers' Compensation Judge will share responsibility for selecting new Workers' Compensation Judges, and other support staff in the Adjudication area. The Presiding Judge will also be responsible for training new staff and making sure they receive scheduled probationary reports. On a technical level, the Presiding Workers' Compensation Judge will provide direction and training to the Workers' Compensation Judge(s). The Presiding Workers' Compensation Judge will also monitor the time it takes for Judges to issue decisions on cases heard before them; and make sure that those decisions comply with Labor Code Sections 123.5 and 5313.

6. What would be the consequence of error if incumbents in the subject class did not perform their jobs?

As you may be aware, there is a great deal of controversy surrounding the entire workers' compensation adjudication process. This program obviously has the Governor's attention. If the Presiding Workers' Compensation Judges are not capable of performing the full range of their respective assignments, then there will be chaos within the DWC Court system. It is important that Workers' Compensation Judges take their duties seriously with respect to hearing cases, evaluating the arguments of opposing parties, and issuing decisions within specified time frames. It is the Presiding Workers' Compensation Judges that make sure these tasks are judiciously carried out within the Court structure of DWC. If the Presiding Workers' Compensation Judges do not do their jobs the workers' compensation court system will never operate efficiently.

7. What are the analytical requirements expected of incumbents in the subject class?

First, the Presiding Workers' Compensation Judges must be able to accurately interpret the provisions of the California Labor Code, with respect to workers' compensation issues. Next, they must be able to coach and mentor newly appointed Workers' Compensation Judges who have to apply the provisions of the Labor Code on a daily basis. It is important that both the Judges and the Presiding Judges become well versed in the laws, rules and regulations as set forth in the California Labor Code in that set of laws dictate almost all of the decisions that are reached in the DWC Court System.

8. What are the purpose, type, and level of contact incumbents in the subject class make?

Most of the contacts of the Presiding Workers' Compensation Judges are made with internal staff of the respective District Offices. A Presiding Workers' Compensation Judge will have ongoing contacts with all staff members in his/her respective District Offices. These contacts usually consists of training subordinates in a particular area of the Labor Code, or may involve helping to identify areas of the law that apply to a case at hand. The Presiding Workers' Compensation Judge will also work with the Regional Managers, Claims Adjudication and the Chief Judge in evaluating proposed policy changes that may impact the work of the DWC Court System.

9. Need for New Class.

This proposal is not for the establishment of a new class, but to propose a specification revision to allow for the allocation of Presiding Workers' Compensation Judges in all 24 District Offices of the DWC Court System. As stated above, the language in the current class specification for Presiding Workers' Compensation Judge only provides for the allocation of these positions

in the larger District Offices of the Division; with no provision for anyone to discharge supervisory duties in the smaller District Offices. Currently, there are 6 District Offices that have no Presiding Workers' Compensation Judge, and consequently no designated supervisor. One of these Offices has as many as 13 positions in it, and no one to enforce Office policy. The most fundamental things of approving time off, making sure staff arrive on time, or documenting the deficiencies of a problem employee cannot be done by anyone in these District Offices. When the Division must take an action against one of these employees, the first question that comes up is who was documenting me during this time period, and why did DWC allow a rank and file employee to document another represented employee? This causes all kinds of problems for the management of the Division. The Regional Manager, Claims Adjudication has to frequently travel from San Francisco to places like Eureka and Redding to address performance problems. The question always comes up when there is no designated supervisor as to how the Regional Manager, located several hundred miles away, can discuss the fact that an employee is constantly late for work. This is problematic in every sense. Even though some of the District Offices may be small, they need the services of a Presiding Workers' Compensation Judge who can enforce Office policy and are a resource for the Workers' Compensation Judge(s).

For the above stated reasons, the Department proposes that the definition of the class specification for Presiding Workers' Compensation Judge be changed as follows: "Under general direction, to supervise the staff and be responsible for the operation of one of the District Offices of the Workers' Compensation Appeals Board but not including the judicial decisions of the judges; to preside as judicial officer over hearings under Workers' Compensation Law; and to do other related work." This change in the class concept for the Presiding Workers' Compensation Judge will allow for the allocation of Presiding Judges in all of our District Offices, and would allow for a designated supervisor to address Office problems that can only be addressed, and resolved, by a supervisor.

10. What are the proposed or current minimum qualifications of the subject class, and why are they appropriate? (Include inside and outside experience patterns.)

There are no proposed changes to the minimum qualifications of the class of Presiding Workers' Compensation Judge. The minimum qualifications will remain as currently stated on the class specification, which are as follows.

Membership (active or inactive) in The State Bar of California.
And

Experience: Either

1. One year of experience in the California state service performing the duties of a Workers' Compensation Judge.

Or

2. Five years of experience in the active practice of law*, including appellate practice. This experience must either have included or been supplemented by two years in work regularly requiring the interpretation and application of Workers' Compensation Law.

The above experience patterns provide for ample legal experience in the workers' compensation arena before candidates go on to compete for the Presiding Workers' Compensation Judge level.

11. If probationary period other than six months is proposed, what is the rationale?

DIR does not propose a change to the current probationary period, which is 12 months. This is the standard probationary period for supervisory designated classes that will give management ample time to determine the candidate's ability to perform the full range of duties at the Presiding Workers' Compensation Judge level.

12. What is the impact on current incumbents?

This proposal will have no impact on current incumbents in the class of Presiding Workers' Compensation Judge.

13. Will current employees move by examination, transfer, reallocation, split-off, etc? Explain rational.

This proposal does not involve the movement of any existing incumbents in the class of Presiding Workers' Compensation Judge. All future appointments will be made by the traditional means of either a transfer of an existing Presiding Workers' Compensation Judge from one District Office to another, at the request of that Presiding Judge; or via an appointment from a certification eligible list.

14. In addition to the departmental contacts listed on the cover sheet, list the names and affiliations of persons who were consulted during the development of this proposal.

Alfonso Ramirez, Staff Personnel Programs Analyst, Department of Personnel Administration.

* Experience in the "practice of law" or "performing legal duties" or "legal experience" is defined as only that legal experience acquired after admission to The Bar.

CALIFORNIA STATE PERSONNEL BOARD

SPECIFICATION

Schematic Code: OY15
Class Code: 6117
Established: 5/4/72
Revised: 7/19/83
Title Changed: 7/19/83

PRESIDING WORKERS' COMPENSATION JUDGE

DEFINITION

Under general direction, to supervise the staff and be responsible for the operation of ~~one of the larger area offices~~ a district office of the Workers' Compensation Appeals Board but not including the judicial decisions of the judges; to preside as judicial officer over hearings under Workers' Compensation Law; and to do other related work.

TYPICAL TASKS

Plans, organizes, coordinates, and supervises the work of the staff assigned to one of the ~~larger area~~ district offices of the Workers' Compensation Appeals Board; trains personnel and evaluates their performance; issues orders for writs of attachment and writs of execution and exercises responsibility for staying, quashing, and recalling such writs; reviews and analyzes petitions, applications, and other requests for proceedings and assigns them for hearing and decision; does not change the decisions of a judge in individual cases; establishes and maintains calendars; confers with administrative officers on policy matters; conducts hearings under the laws pertaining to workers' compensation and issues decisions; and prepares reports.

MINIMUM QUALIFICATIONS

Membership (active or inactive) in The State Bar of California.

and

Experience: Either

1. One year of experience in the California state service performing the duties of a Workers' Compensation Judge. or

2. Five years of experience in the active practice of law*, including appellate practice. This experience must either have included or been supplemented by two years in work regularly requiring the interpretation and application of Workers' Compensation Law.

KNOWLEDGE AND ABILITIES

Knowledge of: Principles and provisions of the Labor Code pertaining to workers' compensation insurance and safety; leading court decisions in California and the United States Supreme Court on the subject of California Workers' Compensation Law; principles of personnel management, supervision, and training; conduct of proceedings in a trial court, rules of evidence governing such proceedings, and laws relating to serving notices, taking depositions, and issuing subpoenas; medical, physiological, anatomical, and occupational terminology in relation to cases of industrial injury; purposes, organization, and procedure of the Workers' Compensation Appeals Board and Division of Industrial Accidents Workers' Compensation; procedure before the Workers' Compensation Appeals Board; legal research methods; ~~Board's Affirmative Action Program objectives; a manager's role in the Affirmative Action Program and the processes available to meet affirmative action objectives~~ and a manager's/supervisor's responsibility for promoting equal opportunity in hiring and employee development and promotion, and for maintaining a work environment that is free of discrimination and harassment.

Ability to: Plan, organize, and direct the work of a staff of Workers' Compensation Judges and supporting personnel; evaluate personnel performance; conduct hearings in a manner that will obtain all pertinent evidence and secure the confidence and respect of all parties; analyze and appraise legal problems, and apply legal principles and precedents to particular sets of facts; make summaries of evidence, findings, awards, orders, and other legal documents relating to compensation litigation; perform legal research; analyze situations accurately and take effective action; ~~speak and write~~ communicate effectively; effectively contribute to the Board's affirmative action objectives and effectively promote equal opportunity in employment and maintain a work environment that is free of discrimination and harassment.

SPECIAL PERSONAL CHARACTERISTIC

Willingness to travel.

* Experience in the "practice of law" or "performing legal duties" or "legal experience" is defined as only that legal experience acquired after admission to The Bar.